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REMARKS

Applicant presumes the present rejections are limited to those stated in the Office Action. The Examiner has reopened prosecution by rejecting all pending Claims. In particular, Claims 1-5, 7-11 and 14-16 are rejected as unpatentable under 35 U.S.C. § 102(b) over U.S. Patent No. 4,992,940 to Dworkin ("Dworkin"), and Claims 6, 12 and 13 are rejected under 35 U.S.C. § 103 as unpatentable over Dworkin in view of official notice. For the reasons provided below, Applicant respectfully requests that the Examiner withdraw the rejections of pending Claims 1-16 and pass those claims as well as new Claims 17-25 to allowance.

A. A Rejection Under 35 U.S.C. § 102(b) Is Improper Unless A Single Prior Art Reference Discloses Each And Every Limitation Of The Patent Claim

Section 102 of Title 35 of the United States Code sets out conditions under which a person is not entitled to a patent claim due to a lack of novelty. The Office Action cites Section 102(b) as the basis for the Examiner's rejection of Claims 1-5, 7-11 and 14-16. Under Section 102(b), Applicant is entitled to a patent unless "the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States." 35 U.S.C. § 102(b).

A patent claim cannot be unpatentable under Section 102(b) unless the cited prior art reference discloses each and every limitation of the patent claim. "A finding of anticipation requires that the publication describe all of the elements of the claims, arranged as in the patented device." *C.R. Bard, Inc. v. M3 Systems, Inc.*, 157 F.3d 1340 (Fed. Cir. 1998) (reversing verdicts of anticipation because a coupling flange of prior art needles differed from that of the claimed needles). Likewise, in this case, there is no anticipation because the Dworkin reference fails to disclose many elements of Applicant's pending claims.

Moreover, the Federal Circuit has consistently held that there can be no anticipation under Section 102, unless a single prior art reference discloses "exactly" the claimed invention. *E.g., Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780 (Fed. Cir. 1985) (relying upon the "many holdings of this court and its predecessors that anticipation under § 102 can be found only when the reference discloses **exactly** what is claimed . . .") (emphasis added). In this case, the Dworkin reference simply does not disclose what Applicant has claimed.

B. Dworkin Does Not Disclose Each And Every Limitation Of Claims 1-5, 7-11 And 14-16

As demonstrated in the following subsections, the Dworkin reference does not disclose each and every limitation of any of Claims 1-5, 7-11 and 14-16. Therefore, the rejections of those claims should be withdrawn.

Dworkin discloses a computer system that uses a routine, menu/submenu navigation scheme to locate and purchase equipment. *See Dworkin*, abstract. Dworkin's menu-based navigation system presents, in user navigation order:

- a main menu of product categories
- a submenu of types of products in the category selected from the prior menu
- a submenu of general specifications for the type of product selected from the prior menu
- a submenu of products matching the general specifications selected from the prior menu
- a submenu of detailed information for a product selected from the prior menu

Exploring the Dworkin disclosure in detail reveals nothing beyond the gradually narrowing navigation afforded by the menu/submenu technique.

The Dworkin system first presents a main menu including product and service categories such as the "hardware products," "software products," and "software consultants" categories shown in Figure 3 and described at column 4, lines 45-50. A user selects one of these categories and is then presented with a submenu of product types within the selected category. For example, if a user selects "hardware products" from the main menu, then the Dworkin system displays a list of such products, including, for example, "microcomputers," "portable computers," "hard disk drives," "floppy disk drives" and "printers" as shown in Figure 4, and explained at column 5, lines 20-27.

If a user then selects a type of product, for example, "printers," the Dworkin system then displays a set of general specifications that apply to printers, such as speed, interface type and carriage width, as shown in Figure 5 and confirmed at column 5, lines 51-56. When a user selects one or more of the general printer specifications, the Dworkin system will then, according to the disclosure at column 6, lines 11-21, search a database and return a list, such as that shown in Figure 6, of all printers having the selected specifications. The user may then select one of the printers shown in the list to receive more detailed information about the printer, such as who are the suppliers that will sell the printer, and what are their respective prices, as illustrated in Figure

7. From the list of suppliers, the user may select one from whom he or she would purchase the product.

In sum, Dworkin describes a system where a user makes selections from a series of menus, ultimately to select a set of desired performance specifications that are used in a search to obtain a list of products meeting those specifications. The user must then scroll through the list of products to pick one.

In contrast, Applicant's inventions permit users to locate a product, not using a selected set of desired specifications, but rather by using information identifying a different product. For example, Applicant's invention allows a user to locate a product from one merchant using information representing another merchant's competing product. Dworkin does not disclose or even suggest such invention.

1. Claim 1 Is Allowable Over Dworkin

Claim 1 reads as follows:

1. A system for browsing products using competitor information, the system comprising:

a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database stored on a computer readable medium;

a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium; and

a product information server responsive to a customer request for said electronic store page to access said dynamic page file, to process said instructions and to provide said electronic store page to said customer, said product information server running on a computer operably connected to said computer readable medium.

In the Office Action, the Examiner rejected Claim 1 in the belief that Dworkin anticipates the claim. But a limitation-by-limitation analysis of the rejection shows that Dworkin does not anticipate Claim 1.

a. Dworkin Does Not Disclose The Product Database Of Claim 1

The Examiner first addressed the following portion of Claim 1: **a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database stored on a computer readable medium.** In arguing that Dworkin discloses that portion of Claim 1, the Examiner cited to Figures 1, 3, 6 and 7 and to text disclosed at column 1, lines 53-69 (1:53-69) and at column 3, line 60 to column 4, line 2 (3:30-4:2).¹

Dworkin, at a minimum, fails to disclose the **“third data representing an association between said product and said competing product.”** Figure 1 of Dworkin shows a box labeled “database.” Figures 3, 6 and 7 show submenus, none of which disclose a product database having the claimed “third data representing an association between said product and said competing product.” Figure 3 simply shows a main menu of product categories. Figure 6 shows a list of particular printer-type products, but fails to disclose or suggest a product database that includes data representing an association between a product and a competing product. Figure 7 shows a list of three sources for the identical printer-type product (see “supplier information for ACME PRINTER CO. 1800”). Thus, Figure 7 does not disclose or suggest a product database that includes data representing an association between a product and a competing product.

The text citations also fail to disclose the claimed product database. The text cited at 1:53-69 refers simply to a “computer, or equivalent, which is linked to a database containing information about products and services and the vendors who supply them.” *Dworkin* at 1:66-69. The text cited at 3:60-4:2 states that the “database contains information about products and/or services, and the vendors who sell them. In the preferred embodiment, the database may be the

¹ References to column and line numbers have the format c:l-l or c:l-c:l. Thus, for example, a reference to text at column 1, lines 53-69 is represented herein as 1:53-69, and a reference to text at column 3, line 60 to column 4, line 2 is represented as 3:60-4:2.

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equivalent of thousands of catalogs of individual suppliers.” *Dworkin* at 3:60-4:2. Plainly, even if the *Dworkin* database contains information that is the equivalent of thousands of catalogs of individual suppliers, that does not disclose or suggest a **database that includes data representing an association between a product and a competing product.**

Applicant has studied *Dworkin* in its entirety and can find no disclosure of the claimed product database. Because *Dworkin* fails to disclose data representing an association between a product and a competing product, *Dworkin* cannot render Claim 1 unpatentable under Section 102(b). Under that section, a claim is not anticipated unless the prior art reference discloses exactly each and every limitation of a claim. For this reason alone, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 1 under Section 102(b).

b. *Dworkin Does Not Disclose The Dynamic Page File Of Claim 1*

The Examiner next addressed the portion of Claim 1 that reads: **a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium.** The Examiner cited Figures 2A (items 23, 25, 27, 29, 35, 37), 2B (items 47, 51) and 6 (“1) investigate product”) as well as the text at 8:9-20.

The cited portions of *Dworkin* fail to disclose the recited dynamic page file. Figures 2A and 2B are flow charts describing how user selections from one menu lead to the display of the next submenu. The items in Figure 2A cited by the Examiner in the Office Action represent:

- a. the display of a main menu
- b. accepting a selection
- c. testing whether a product search was selected
- d. the display of a menu of product types
- e. the display of a template of technical criteria
- f. accepting a selection of the technical criteria

The items in Figure 2B cited by the Examiner in the Office Action represent:

- g. a test whether to investigate product
- h. a display of a choice to receive more information about the product

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This sequence of items from Figures 2A and 2B does not disclose or suggest **using data representing a competing product as a query parameter to obtain data representing a product**, nor does it disclose any instructions for such use in a dynamic page file.

The Examiner also cited Figure 6 and pointed to the item called "investigate product." But, as Figure 2B clearly shows, that choice simply allows a number representing a product to be used in a search to find out who supplies the same product (see item 53 of Fig. 2B), or to view product specifications for the same product (see item 67 of Fig. 2B). Thus, Figure 6 does not disclose using data **representing a competing product** as a query parameter to obtain data representing a product.

Finally, the Examiner cited the text of Dworkin at 8:9-20. Applicant has studied that text, and it merely refers to determining whether a user has ordered a product, and then prompting the user for pieces of information such as, the supplier, user's name and address and credit card number. *Dworkin* at 8:9-20 That is followed by an indication that the system could be programmed to obtain even more -- but unspecified -- information from the user. *Id.*

Thus, none of the portions of Dworkin cited by the Examiner, nor any other portions of Dworkin, disclose or suggest the claimed dynamic page file. Applicant respectfully submits that, for this reason alone, the Examiner should withdraw the rejection under Section 102(b).

c. Dworkin Does Not Render Claim 1 Unpatentable

Under Section 102(b), Claim 1 cannot be rendered unpatentable unless each and every limitation of Claim 1 is disclosed in Dworkin. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780 (Fed. Cir. 1985). Because Dworkin fails to disclose (1) the recited **product database** that includes **data representing an association between a product and a competing product**, and also fails to disclose (2) the recited **dynamic page file** that includes **instructions to use data representing a competing product as a query parameter to obtain data representing a product**, Dworkin cannot render Claim 1 unpatentable. There is no other basis for rejection of Claim 1. Applicant thus respectfully requests that the Examiner withdraw the rejection based on Dworkin and allow Claim 1.

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2. Claims 2 And 3 Are Allowable Over Dworkin

Claim 2 is dependent upon Claim 1. Therefore, because Dworkin does not disclose each and every limitation of Claim 1, Dworkin cannot disclose each and every limitation of Claim 2.

It is axiomatic that if a reference fails to disclose all the limitations of an independent claim, then the reference cannot disclose all of the limitations of a claim dependent upon the independent claim. Thus, for all the reasons stated above with respect to Claim 1, Dworkin does not render Claim 2 unpatentable.

In addition to all the limitations of Claim 1, Claim 2 includes the following subject matter: **a second dynamic page file for generating a second electronic store page, said dynamic page file including second instructions to use information identifying a manufacturer as a query parameter to obtain said second data from said product database, said second data included in said second electronic store page, said second dynamic page file stored on said computer readable medium.** To support the Examiner's belief that Dworkin discloses that subject matter, the Examiner cited Figures 6 and 8 and also the text portions 1:13-28 and 8:9-20.

The cited figures and text from Dworkin do not disclose the subject matter of Claim 2 recited above. Figures 6 and 8 show, respectively, that a user may enter a system-generated number representing a product to "investigate product" (Fig. 6) and then may receive "product specification" describing that product (Fig. 8). But the "product specification" information simply elaborates on the same product, and can in no way constitute data representing a competing product.

The text cited from column 1 of Dworkin merely emphasizes that users who want to find a desired product must consult "catalogs of a myriad of vendors." The text cited from column 8 and relied upon by the Examiner indicates the use of a number identifying a supplier to order a product sold by the supplier. Like Figures 6 and 8 discussed above, the cited text likewise fails to disclose or suggest using **information identifying a manufacturer** to obtain second data (**data representing a competing product**). Thus, for this additional reason, Dworkin fails to anticipate Claim 2 under 35 U.S.C. § 102(b). Because there is no other basis for rejection, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 2.

Claim 3 depends from Claim 2 and, thus, Dworkin fails to anticipate Claim 3 for all the reasons stated above in connection with Claims 1 and 2. Thus, Applicant also respectfully requests that the Examiner withdraw the rejection of Claim 3.

3. Claim 4 Is Allowable Over Dworkin

Claim 4 depends from Claim 1. For the same reasons stated above in connection with Claim 1, Dworkin does not anticipate Claim 4, and Applicant respectfully requests that the Examiner withdraw the rejection of Claim 4.

4. Claim 5 Is Allowable Over Dworkin

Claim 5 depends from Claim 1 through Claim 4, and is thus allowable for all the reasons stated in connection with Claim 1. In addition to the subject matter of Claims 1 and 4, Claim 5 recites "**a customer browser which transmits said second data to said page server upon said selection of said hyperlink.**" The Examiner cited Figure 2B, items 47-59 as disclosing that subject matter. But item 47 plainly checks for satisfaction of the query "INVESTIGATE PRODUCT?." The remaining items 49-59 provide only for a display of potential suppliers of that product. Neither the cited portions of Dworkin relied upon by the Examiner nor any other portions of Dworkin disclose a browser that transmits second data (data representing a competing product). For that additional reason, Dworkin does not anticipate Claim 5, and Applicant therefore respectfully requests that the Examiner withdraw the rejection of Claim 5.

5. Claim 7 Is Allowable Over Dworkin

Claim 7 reads as follows:

7. A method for locating information about a product using information about a corresponding product, said method comprising the steps of:

transmitting with a page server at least one corresponding product hyperlink to a customer browser, said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file;

receiving with said customer browser said corresponding product hyperlink;

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displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink; and

responding to a selection of said portion by transmitting to said page server a request for said corresponding product page file and by transmitting to said page server said product identifier.

The Examiner rejected Claim 7 as being anticipated by Dworkin. But a limitation-by-limitation analysis shows that Dworkin does not disclose each and every limitation in Claim 7 and therefore does not anticipate it.

Claim 7 recites transmitting at least one corresponding hyperlink, **“said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file.”** Specifically, the Examiner cited Dworkin at Figures 3, 4 and 6 and the Dworkin text at 2:19-42. Each of those Figures simply discloses a menu list of product categories or products. There is no disclosure of Applicant’s recited corresponding product hyperlink. The cited text at column 2 refers to a “number, or other designator” which can be used to obtain more information. When the user selects the number or designator, the system, according to Dworkin, provides information about suppliers and prices for the product. But there is no disclosure in Dworkin of any corresponding product hyperlink that is operatively associated with both a corresponding product identifier representing a corresponding product and also a page file identifier representing a corresponding product page file. Dworkin does not disclose Applicant’s recited corresponding product hyperlink.

Claim 7 also recites **“receiving with said customer browser said corresponding product hyperlink.”** The Examiner cited to figures 2A (item 29), 2B (items 42, 47, 51), 6 and 8 to argue that Dworkin discloses that subject matter. Applicant has reviewed those figures and the cited items and can discern no disclosure of the subject matter. Rather, the cited figures and items relate only to displaying menus of product categories and products, and not at all to any receiving with a customer browser of the recited corresponding product hyperlink. Dworkin does not disclose this limitation of Claim 7.

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In addition, Claim 7 recites **“displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink.”** The Examiner argued that Dworkin discloses this subject matter and, to support the argument, cited to Figures 2A (items 27, 41), 2B (items 47, 51), 6 and 8, and also cited to text at 2:25-33. The cited figures and items refer to selecting a product search, selecting a product from displayed results, requesting to investigate the product and receiving a list of suppliers or additional specifications for the product. The cited text refers also to receiving a list of suppliers or additional specifications for the chosen product. None of those cited portions of Dworkin or any other part of Dworkin discloses displaying information identifying a product, a portion of the displayed information selectable to activate the recited corresponding product hyperlink. Dworkin does not disclose that limitation of Claim 7.

Finally, Claim 7 recites **“responding to a selection of said portion by transmitting to said page server a request for said corresponding product page file and by transmitting to said page server said product identifier.”** The Examiner argued that Dworkin discloses this subject matter. To support that argument, the Examiner cited to Figures 2A (items 25, 37), 2B (items 49-51) and 6, and also text at 1:52-60 and 6:51-57. The cited figures refer only to accepting from a user a product category, product specifications and a number representing a product. Dworkin makes clear at 6:11-25 (column 6, lines 11-25) that the display of a list of products illustrated in Figure 6 results from a search based on the user's entry of desired product specifications. The text cited by the Examiner from columns 1 and 6 refers only to allowing a user to determine the best price for a product and order it, as well as receive information providing detailed specifications for the product. Neither the cited portions of Dworkin nor any other portions of Dworkin disclose responding to a selection by transmitting a corresponding product page file and by transmitting a product identifier that represents a corresponding product. Thus Dworkin does not disclose this limitation either.

In sum, Dworkin does not come close to disclosing each and every limitation of Claim 7. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 7 under 35 U.S.C. § 102.

6. Claims 8, 9 And 10 Are Allowable Over Dworkin

Claims 8, 9 and 10 each depend ultimately from Claim 7 and, because Dworkin fails to disclose each and every limitation of Claim 7, then Dworkin also fails to disclose each and every limitation of Claims 8, 9 and 10. Thus, for at least the reasons provided above in connection with Claim 7, Dworkin does not anticipate Claims 8-10.

Further with respect to Claim 8, the subject matter directly recited by Claim 8 includes “**processing instructions in said page file to use said identifier to obtain data representing a corresponding product.**” Dworkin nowhere discloses selecting a hyperlink identifying a product to obtain data representing a corresponding product, and certainly nowhere discloses including instructions to do so in a page file. To support the argument that Dworkin discloses that subject matter, the Examiner cites text from Dworkin at 7:43-49 and 8:9-20. But those columns refer only to information about a supplier of a chosen product, and not in any way to selecting a hyperlink identifying a product to obtain data representing a corresponding product. Nor does Dworkin disclose any instructions in a page file for doing so. Thus Dworkin fails to disclose that subject matter, and, for that additional reason, Applicant respectfully requests that the Examiner withdraw the rejection of Claim 8 under 35 U.S.C. § 102.

Because Claims 9 and 10 depend from Claim 8, Dworkin fails to disclose each and every limitation of Claims 9 and 10 for the reasons provided above in connection with Claim 8, and therefore, Applicant also respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. § 102 of Claims 9 and 10.

7. Claim 11 Is Allowable Over Dworkin

Claim 11 reads as follows:

11. An e-store dynamic page file comprising:
 - static content including content identification tags which may be interpreted to format said content;
 - script components including:
 - connection instructions to establish a connection to a product database;
 - query instructions to query said product database using a search key provided to said query instructions as a

parameter, and to thereby obtain a recordset including at least one record, each of said at least one records including information about competing products; and

hyperlink creation instructions to create a hyperlink for each of said at least one records, each hyperlink referencing a corresponding product page file for transmitting information about a corresponding product, each hyperlink including an identifier representing a corresponding product.

Claim 11 recites a dynamic page file comprising **“static content including content identification tags which may be interpreted to format said content.”** The Examiner argued that Figure 3 of Dworkin inherently shows tags in HTML to create capitals for contents of Main Menu. Applicant, however, can find no indication or suggestion in Dworkin that any characters or other content in Figure 3 result from any interpretation of content identification tags or any other kind of formatting instructions. Rather, the content of Figure 3 consists simply of text characters that are displayed with no formatting at all. Thus, Applicant respectfully submits that there is no disclosure anywhere in Dworkin of any content identification tags that may be interpreted to format content, and thus Dworkin does not disclose this limitation -- even inherently.

Claim 11 further recites a dynamic page file comprising script components which include **“connection instructions to establish a connection to a product database.”** The Examiner argued that Dworkin discloses that subject matter, and, in support of that argument, the Examiner cited to the Dworkin abstract and to text at 2:19-36 and 7:37-53. Those portions of Dworkin indicate a computer that is linked to a database and a search of a database for products and services. But Dworkin nowhere discloses connection instructions to establish a connection to a product database, where the connection instructions are included in script components that are, in turn, included in a dynamic page file. Applicant submits that Dworkin does not disclose that subject matter.

Claim 11 also recites a dynamic page file comprising script components which include **“hyperlink creation instructions to create a hyperlink for each of said at least one records, each hyperlink referencing a corresponding product page file for transmitting information**

about a corresponding product, each hyperlink including an identifier representing a corresponding product.” The Examiner argued that Dworkin disclosed that subject matter, and, in support of that argument, cited only to Figures of Dworkin, namely Figures 2A (items 23-37), 2B (items 41-55), 6, 7 and 8. Applicant has reviewed these Figures in detail, and can find no disclosure of any hyperlink creation instructions, and particularly no disclosure of such instructions that create a hyperlink for each of a set of records (each record including information about competing products), each hyperlink referencing a corresponding product page file for transmitting information about a corresponding product, and each hyperlink including an identifier representing a corresponding product. Rather, the Figures cited by the Examiner merely refer to the acceptance of information describing a product category and specifications for a product and the display of suppliers of products having the provided specifications as well as the display of additional specifications of a chosen product. Applicant notes that the Examiner cited to the same Figures of Dworkin as disclosing additional subject matter of Claim 11, namely the recited “**query instructions . . . to thereby obtain a record set including at least one record, each of said at least one records including information about competing products.**” But those cited Figures of Dworkin (Figures 2A, 2B, 6 and 8) do not disclose (1) obtaining a record set, where each record includes information about competing products and also (2) instructions to create a hyperlink for each of those records, where each hyperlink references a corresponding product page file for transmitting information about a corresponding product, and where each hyperlink includes an identifier representing a corresponding product. That subject matter is not disclosed by Dworkin.

Thus, Applicant submits that Dworkin does not disclose each and every limitation of Claim 11, and thus Dworkin does not anticipate Claim 11. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 11 under 35 U.S.C. § 102.

8. Claim 14 Is Allowable Over Dworkin

Claim 14 reads as follows:

14. A system for locating information about products, said system comprising:
 - associating means for storing an association between a product and a corresponding product;
 - requesting means responsive to an identification of said product to request information about said corresponding product;

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query means for using said identification of said product to access said associating means and to thereby obtain said information about said corresponding product;

information assembly means responsive to said request to invoke said query means and to format said information about said corresponding product; and

transmitting means for presenting to a customer said formatted information about said corresponding product.

One of the limitations recited by Claim 14 is **“requesting means responsive to an identification of said product to request information about said corresponding product.”** Dworkin fails to disclose that limitation. The Examiner argued that Dworkin does disclose that limitation, and, to support that argument cited to Dworkin’s abstract and the text at 2:6-24. But Dworkin’s abstract discloses nothing responsive to an identification of a product to request information about a corresponding product. The cited text from column 2 discloses that a user “must first tell the system the general type of product or service desired.” After the user has done so, according to Dworkin, the system presents a template for the user to fill in and thus “tell the system the criteria to be deemed minimum requirements.” Then the Dworkin system searches the database for all products or services which “fulfill the minimum requirements.” The cited text goes on to say that the system associates a number with each product that can be used to obtain more information. Using the number, the user may obtain a list of suppliers for the product, the best prices for the product or more detailed information about the product. But nowhere in column 2 or anywhere else does Dworkin disclose any means responsive to an identification of one product to request information about a corresponding product. Applicant respectfully submits that Dworkin fails to disclose that limitation.

Likewise, Dworkin fails to disclose **“query means for using said identification of said product to access said associating means and to thereby obtain said information about said corresponding product.”** Nothing in Figures 2A, 2B, 6 or 8 and nothing in the text cited at 2:25-33 discloses anything that uses an identification of a product to access any association to obtain information about a corresponding product. Applicant respectfully submits that Dworkin also fails to disclose that limitation.

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Because Dworkin fails to disclose the "requesting means" and the "query means" recited in Claim 14, Applicant respectfully submits that Dworkin does not anticipate Claim 14. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 14 under 35 U.S.C. § 102.

9. **Claim 15 Is Allowable Over Dworkin**

Claim 15 reads as follows:

15. A product browsing system comprising:
 - a server computer having a network connection;
 - a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database residing on a computer readable medium of the server computer; and
 - a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said electronic store page transmitted via said network connection.

The Examiner argued that Dworkin discloses the product database as recited in Claim 15. As noted above, the Examiner also argued that Dworkin disclosed the product database recited in Claim 1. Applicant respectfully submits that, for the reasons provided above in the subsection entitled "Dworkin Does Not Disclose The Product Database Of Claim 1," Dworkin does not disclose the product database recited in Claim 15.

The Examiner also argued that Dworkin discloses the dynamic page file as recited in Claim 15. As noted above, the Examiner made the same argument about the dynamic page file recited in Claim 1. Applicant respectfully submits that, for the reasons provided above in the subsection entitled "Dworkin Does Not Disclose The Dynamic Page File Of Claim 1," Dworkin does not disclose the dynamic page file recited in Claim 15.

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Thus, because Dworkin fails to disclose both the product database and the dynamic page file as recited in Claim 15, Applicant respectfully submits that Dworkin does not anticipate Claim 15. Applicant thus respectfully requests that the Examiner withdraw the rejection of Claim 15.

10. Claim 16, As Amended, Is Allowable Over Dworkin

Claim 16, as amended, reads as follows:

16. A method for retrieving information about a product using information about another product, said method comprising:
- a step for storing information on a first set of products;
 - a step for storing information on a second set of products;
 - a step for storing an association between the first set of products and the second set of products said association representing product equivalency;
 - a step for establishing communication between a client computer and a server computer;
 - a step for transmitting a product identifier to the server computer, the product identifier representing a first product, the first product in the first set of products; and
 - a step for receiving, in response to the step for transmitting, competing product information describing a second product, the second product in the second set of products.

Claim 16, as amended, recites a step for transmitting a product identifier representing a first product and a step for receiving -- in response to the transmitting step -- competing product information describing a second product. Dworkin fails to disclose that subject matter. The Examiner's argument concerning the anticipation of Claim 16 was, of course, made against an earlier version of Claim 16, before amendment. To support that anticipation argument, the Examiner cited Dworkin at 2:19-41. But neither that cited portion of Dworkin, or any other portion, discloses transmitting a product identifier representing a product, and then, in response, receiving competing product information that describes a different product. Thus, Applicant submits that Dworkin fails to disclose each and every limitation of Claim 16, and thus Applicant respectfully requests that the Examiner withdraw the rejection of Claim 16 under 35 U.S.C. § 102.

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C. Dworkin Does Not Render Obvious Claims 6, 12 And 13 In View Of Official Notice

1. Claim 6 Would Not Have Been Obvious

Claim 6 depends ultimately from Claim 1, and Dworkin fails to disclose at least two of the three limitations recited in Claim 1. The Examiner's argument that Dworkin renders Claim 6 obvious in view of official notice presumes that Dworkin discloses each and every limitation of Claim 1. But, as explained above in connection with Claim 1, Dworkin fails to disclose (1) the recited **product database** that includes **data representing an association between a product and a competing product**, and also fails to disclose (2) the recited **dynamic page file** that includes **instructions to use data representing a competing product as a query parameter to obtain data representing a product**. Because Dworkin does not disclose each and every limitation of Claim 1, Dworkin does not render Claim 6 obvious even in view of the official notice taken by the Examiner.

The Examiner agrees that Dworkin "fails to teach a cost savings form on said electronic store page." However, the Examiner states that "Dworkin teaches competing cost information about said competing product, said customer browser transmitting said cost information to said page server." Applicant respectfully disagrees. While Dworkin shows a list of products and their respective prices, Dworkin does not disclose that a browser transmits cost information to a page server.

Moreover, the Examiner's argument about official notice seems to center on the notion that, in commerce arts, it is generally known to compare costs of two products to determine which is less expensive. Even if that is true, it does not in any way show that it would have been obvious to implement Applicant's recited structure of a cost savings form and the second instructions in a dynamic page file as recited in Claim 6. Applicant respectfully submits that the claimed "second instructions in said dynamic page file for comparing competing cost information and product cost information" would not have been obvious to implement.

For the above reasons, Applicant submits that Dworkin in view of the official notice taken by the Examiner does not show that Claim 6 would have been obvious under 35 U.S.C. § 103. Applicant respectfully requests that the Examiner withdraw the rejection of Claim 6.

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2. Claims 12 And 13 Would Not Have Been Obvious

Claims 12 and 13 both ultimately dependent from Claim 11, and the Examiner's argument that Claims 12 and 13 would have been obvious presumes that Dworkin discloses each and every limitation of Claim 11. But, as explained above, Dworkin fails to disclose many limitation recited in Claim 11, namely:

- static content including content identification tags;
- connection instructions;
- query instructions; and
- hyperlink creation instructions.

Thus, because so much of Claim 11 is not disclosed by Dworkin, Claims 12 and 13 would not have been rendered obvious by Dworkin in view of the official notice taken by the Examiner.

Moreover, Claim 12 additionally recites: **a cost savings form including at least one text entry field for accepting competing cost information related to the cost of said competing products and including a cost savings hyperlink, the cost savings hyperlink referencing a corresponding product page file for transmitting information about a difference in cost between said products and said competing products, the cost savings hyperlink including an identifier representing a corresponding product and at least one cost identifier representing said competing cost information.** The Examiner agreed Dworkin does not disclose a cost savings hyperlink. But the Examiner argued that in commerce arts the well known "cost savings advertising of 'beating all the competition by 10%'" indicates it would have been obvious to implement this feature. Even if "cost savings advertising" was well known, that notion does not show how or why it would have been obvious to implement the cost savings hyperlink structure recited in Claim 12. Applicant respectfully submits that the cost savings hyperlink structure would not have been obvious. For that reason, and also all the reasons provided as to why Dworkin does not disclose each and every limitation of Claim 11, Applicant submits that Claim 12 and also Claim 13, which depends from Claim 12, would not have been obvious. Thus, Applicant respectfully requests that the Examiner withdraw the rejection of Claims 12 and 13 under 35 U.S.C. § 103.

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CONCLUSION

For the reasons stated above, Applicant respectfully requests that the Examiner withdraw the rejections of Claims 1-16. Applicant submits that each of newly added Claims 17-25 is patentably distinct over the prior art of record. Applicant therefore respectfully requests that the Examiner pass the pending Claims 1-25 to allowance. If there is any further impediment to allowance, the Examiner is respectfully invited to telephone Applicant's attorney, the undersigned, at (949) 721-2994, or at the telephone number provided below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/10/03

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